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JUL 24 2006

PD 02W127

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: David D. Crouch	:	Group Art Unit 2873
Serial No. 10/803,403	:	Examiner: Ben, Loha
Filed: 03/18/2004	:	Date: July 24, 2006

PETITION UNDER 37 C.F.R. 1.181 TO WITHDRAWAL HOLDING OF ABANDONMENT

Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicant hereby petitions for withdrawal of a holding of abandonment in the above-referenced application. The facts in the case are as follows:

- The application was filed on March 18, 2004. The Fee Transmittal form submitted with the application included a general authorization to charge any additional fees or underpayment of fees to Applicant's deposit account. A copy of the fee transmittal is enclosed.
- A Notice of Allowance and Fees Due was mailed on March 6, 2006.
- The Issue Fee Transmittal form was returned by facsimile on March 27, 2006. A copy of the Fee Transmittal form and the Auto-Reply transmission are enclosed. The Issue Fee Box in section 4a. is clearly checked, but the Publication Fee box is not checked. In Section 4b., the box authorizing the Director to charge the required fee(s) to a Deposit Account is also clearly checked, and the deposit account information is provided.
- A Notice of Abandonment was mailed on July 13, 2006. The Notice indicates that the Abandonment was due to "applicants' failure to timely pay the required issue fee and publication fee ... ". The Notice of Abandonment

Serial No. 10/803,403 Page 2

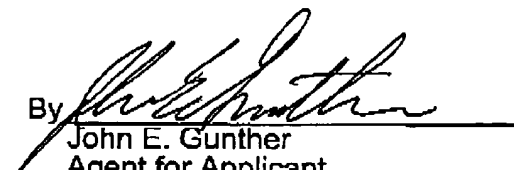
further notes that "the submitted fee of \$300 is insufficient. A balance of \$1400 is due." A copy of the Notice of Abandonment is also enclosed.

Applicant respectfully submits that the Issue Fee Transmittal was filed with a clear intent to pay the required fees, and is thus subject to the provisions of the third paragraph of MPEP 1306, which reads as follows:

Where it is clear that an applicant actually intends to pay the issue fee and required publication fee, but the proper fee payment is not made, for example, an incorrect issue fee amount is supplied, or a PTOL-85B Fee(s) Transmittal form is filed without payment of the issue fee, a general authorization to pay fees or a specific authorization to pay the issue fee, submitted prior to the mailing of a notice of allowance, will be allowed to act as payment of the correct issue fee. 37 CFR 1.311(b). In addition, where the deposit account information is added to the Fee(s) Transmittal form (PTOL-85B), but the check box authorizing that the deposit account be charged the issue fee is not checked, the deposit account will still be charged the required issue fee and any required publication fee.

Applicant respectfully requests that the holding of abandonment be withdrawn and the application be allowed to proceed to issue.

Respectfully submitted,
David D. Crouch

By 
John E. Gunther
Agent for Applicant
Registration No. 43,649

Raytheon Company
P. O. Box 902
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(310) 647-3723
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JUL 24 2006

Approved for use through 07/31/2006. OMB 0851-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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<h1>FEE TRANSMITTAL</h1> <h2>for FY 2004</h2> <p>Effective 10/01/2003. Patent fees are subject to annual revision.</p>		Complete if Known	
		Application Number	
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27		Filing Date	HEREWITH
		First Named Inventor	DAVID D. CROUCH
TOTAL AMOUNT OF PAYMENT (\$) 1402.00		Examiner Name	
		Art Unit	
		Attorney Docket No.	PD-02W127

METHOD OF PAYMENT (check all that apply)		FEE CALCULATION (continued)																																																																																																																																																																																			
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Deposit Account Number: 50-0888 Deposit Account Name: RAYTHEON COMPANY		<table border="1"> <thead> <tr> <th colspan="2">Large Entity</th> <th colspan="2">Small Entity</th> <th rowspan="2">Fee Description</th> <th rowspan="2">Fee Paid</th> </tr> <tr> <th>Fee Code (\$)</th> <th>Fee Code (\$)</th> <th>Fee Code (\$)</th> <th>Fee Code (\$)</th> </tr> </thead> <tbody> <tr> <td>1051</td> <td>130</td> <td>2051</td> <td>65</td> <td>Surcharge - late filing fee or oath</td> <td></td> </tr> <tr> <td>1052</td> <td>50</td> <td>2052</td> <td>25</td> <td>Surcharge - late provisional filing fee or cover sheet</td> <td></td> </tr> <tr> <td>1053</td> <td>130</td> <td>1053</td> <td>130</td> <td>Non-English specification</td> <td></td> </tr> <tr> <td>1812</td> <td>2,520</td> <td>1812</td> <td>2,520</td> <td>For filing a request for <i>ex parte</i> reexamination</td> <td></td> </tr> <tr> <td>1804</td> <td>920*</td> <td>1804</td> <td>920*</td> <td>Requesting publication of SIR prior to Examiner action</td> <td></td> </tr> <tr> <td>1805</td> <td>1,840*</td> <td>1805</td> <td>1,840*</td> <td>Requesting publication of SIR after Examiner action</td> <td></td> </tr> <tr> <td>1251</td> <td>110</td> <td>2251</td> <td>55</td> <td>Extension for reply within first month</td> <td></td> </tr> <tr> <td>1252</td> <td>420</td> <td>2252</td> <td>210</td> <td>Extension for reply within second month</td> <td></td> </tr> <tr> <td>1253</td> <td>950</td> <td>2253</td> <td>475</td> <td>Extension for reply within third month</td> <td></td> </tr> <tr> <td>1254</td> <td>1,480</td> <td>2254</td> <td>740</td> <td>Extension for reply within fourth month</td> <td></td> </tr> <tr> <td>1255</td> <td>2,010</td> <td>2255</td> <td>1,005</td> <td>Extension for reply within fifth month</td> <td></td> </tr> <tr> <td>1401</td> <td>330</td> <td>2401</td> <td>165</td> <td>Notice of Appeal</td> <td></td> </tr> <tr> <td>1402</td> <td>330</td> <td>2402</td> <td>165</td> <td>Filing a brief in support of an appeal</td> <td></td> </tr> <tr> <td>1403</td> <td>290</td> <td>2403</td> <td>145</td> <td>Request for oral hearing</td> <td></td> </tr> <tr> <td>1451</td> <td>1,510</td> <td>1451</td> <td>1,510</td> <td>Petition to institute a public use proceeding</td> <td></td> </tr> <tr> <td>1452</td> <td>110</td> <td>2452</td> <td>55</td> <td>Petition to revive - unavoidable</td> <td></td> </tr> <tr> <td>1453</td> <td>1,330</td> <td>2453</td> <td>665</td> <td>Petition to revive - unintentional</td> <td></td> </tr> <tr> <td>1501</td> <td>1,330</td> <td>2501</td> <td>665</td> <td>Utility issue fee (or reissue)</td> <td></td> </tr> <tr> <td>1502</td> <td>480</td> <td>2502</td> <td>240</td> <td>Design issue fee</td> <td></td> </tr> <tr> <td>1503</td> <td>640</td> <td>2503</td> <td>320</td> <td>Plant issue fee</td> <td></td> </tr> <tr> <td>1460</td> <td>130</td> <td>1460</td> <td>130</td> <td>Petitions to the Commissioner</td> <td></td> </tr> <tr> <td>1807</td> <td>50</td> <td>1807</td> <td>50</td> <td>Processing fee under 37 CFR 1.17(e)</td> <td></td> </tr> <tr> <td>1808</td> <td>180</td> <td>1808</td> <td>180</td> <td>Submission of Information Disclosure Stmt</td> <td></td> </tr> <tr> <td>8021</td> <td>40</td> <td>8021</td> <td>40</td> <td>Recording each patent assignment per property (times number of properties)</td> <td>40.00</td> </tr> <tr> <td>1809</td> <td>770</td> <td>2809</td> <td>385</td> <td>Filing a submission after final rejection (37 CFR 1.129(a))</td> <td></td> </tr> <tr> <td>1810</td> <td>770</td> <td>2810</td> <td>385</td> <td>For each additional invention to be examined (37 CFR 1.129(b))</td> <td></td> </tr> <tr> <td>1801</td> <td>770</td> <td>2801</td> <td>385</td> <td>Request for Continued Examination (RCE)</td> <td></td> </tr> <tr> <td>1802</td> <td>900</td> <td>1802</td> <td>900</td> <td>Request for expedited examination of a design application</td> <td></td> </tr> </tbody> </table>		Large Entity		Small Entity		Fee Description	Fee Paid	Fee Code (\$)	Fee Code (\$)	Fee Code (\$)	Fee Code (\$)	1051	130	2051	65	Surcharge - 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SUBMITTED BY		(Complete if applicable)	
Name (Print/Type)	Thomas J. Finn	Registration No. (Attorney/Agent)	48066
Signature	<i>Thomas J. Finn</i>	Telephone	551-91-7980
		Date	3-18-04

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

USPTO 3/27/2006 6:20 PM PAGE 1/001 Fax Server
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Page
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PART B FIRM'S TRANSMITTAL

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INSTRUCTIONS: This form should be used for transmitting the **INDEX FEE** and **PUBLICATION FEE** of regular, short, 1, or group 3 should be completed when appropriate. All other communications including the "Form" address system and mailboxes at institutions (FOI) will be sent to the correct correspondence address as indicated above or directed elsewhere in Block 1. If you are filing a new case or extension, address block (1) including a return "SEE ADDRESS" for processing the application.

MAILING CERTIFICATE: A certificate of mailing can only be used for domestic mailings of the PTO (prepaid). This certificate cannot be used for any other mailing (including international) with or without postage. See 37 CFR 1.6(f) and 1.8(a) for more information.

Certificate of Mailing at Transmittal: I hereby certify that this Part B transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail by an express addressee in the Mail Stop 188018 FEE address above or being delivered otherwise in the MAIL STOP 188018 FEE address. On the date indicated below.

APPLICANT INFORMATION:
 NAME: **THOMAS J. FINN, ESQ., RAYTHEON COMPANY, BOX 24119, P.O. BOX 002, 2400 S. EL SEGUNDO BLVD, EL SEGUNDO, CA 90245-0902**
 ADDRESS: **1800 W. 11th St., Suite 100, Irving, TX 75039**
 ATTORNEY: **James D. Crooks, FID-000127, 2341**

TITLE OF INVENTION: SYSTEM FOR SELECTIVELY BLOCKING ELECTROMAGNETIC ENERGY

APPL. TYPE	SMALL ENTITY	INDEX FEE	PUBLICATION FEE	TOTAL FEE DUE	DATE DUE
Copyright	NO	\$1400	\$100	\$1500	06/06/2006

EXAMPER: **REN, LOUIS, 2825, 118-43200**

1. Check one:
 Change of correspondence address or individual of "FOR A BENEFIT" (1) OR (2).
 Change of correspondence address or Change of Correspondence Address form PTO/FY/123) attached.
 This address is the same as the "FOR A BENEFIT" address of item 1 (FOI) (if not, check "FOR A BENEFIT" address of item 1 (FOI) in separate block).
 Assignee name and residence data to be printed on the patent (serial or type).

2. Are printing on the patent form (page 1):
 (1) the name of applicant, agent or attorney of record.
 (2) the name of a single firm (agent) or a registered trademark attorney or agent and the name of applicant.
 (3) the name of the firm, agent, or attorney, if no date is listed, no name will be printed.

PLEASE NOTE: Unless an address is listed, not before, my attorney will appear on the patent. If no address is listed below, the document has been filed for examination as set forth in 37 CFR 1.11. (Completion of this form is required for the filing of the patent.)

3. NAME OF APPLICANT: **Raytheon Company**
4. RESIDENCE CITY AND STATE OR COUNTRY: **Waltham, MA**

5. Check one:
 Inventor
 Corresponding or other person (agent, attorney, or agent)
 Correspondent

6. The following fee(s) are enclosed:
 Index Fee
 Publication Fee (for small entity discount)
 Advance Order - if of choice

7. Payment of fees:
 A check in the amount of the fee(s) is enclosed.
 Payment by credit card. Form PTO-3024 is attached.
 The fee(s) is/are tendered by wire at the registered bank, or small business deposit account, or direct deposit to the account of the PTO.

8. Check one:
 Applicant is a small entity (see 37 CFR 1.27).
 Applicant is not a small entity (see 37 CFR 1.27).

9. Signature: **Thomas J. Finn**, Date: **3/27/06**
 Typed or printed name: **Thomas J. Finn**, Signature No: **458066**

10. Declaration: The information is true and correct to the best of my knowledge and belief, and I am not aware of any information that would cause the information to be untrue or misleading. I am not aware of any information that would cause the information to be untrue or misleading. I am not aware of any information that would cause the information to be untrue or misleading.

11. Declaration: Under the Espionage Laws of 1950, no person is permitted to disclose or divulge information in this document to any person who is not a member of the United States Government or a person who is authorized to receive such information.

PAGE 01 * RCVD AT 3/27/2006 6:19:38 PM [Eastern Standard Time] * SVR:USPTO-EFXXF-207 * DNIS:2738300 * CSID:3106472616 * DURATION (mm:ss):02:52



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/803,403	03/18/2004	David D. Crouch	PD-02W127	5544

7590 07/13/2006

THOMAS J. FINN, ESQ.
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EXAMINER

REN, LOHA

ART UNIT	PAPER NUMBER
2873	

2873

DATE MAILED: 07/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Notice of Abandonment	Application No.	Applicant(s)	
	10/803,403	CROUCH	
	Examiner	Art Unit	
	BEN	2873	

- The MAILING DATE of this communication appears on the cover sheet with the correspondence address-

This application is abandoned in view of:

1. Applicant's failure to timely file a proper reply to the Office letter mailed on _____.
 - (a) A reply was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.
 - (b) A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection. (A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
 - (c) A reply was received on _____ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
 - (d) No reply has been received.

2. Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
 - (a) The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
 - (b) The submitted fee of \$300 is insufficient. A balance of \$1400 is due.
The issue fee required by 37 CFR 1.18 is \$1400. The publication fee, if required by 37 CFR 1.18(d), is \$300.
 - (c) The issue fee and publication fee, if applicable, has not been received.

3. Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
 - (a) Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.
 - (b) No corrected drawings have been received.

4. The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.

5. The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.

6. The decision by the Board of Patent Appeals and Interference rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.

7. The reason(s) below:

lgd

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.